

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

OCT 02 2007

[Signature]
CLERK

ARISTO INDUSTRIES, INC.,

CIV. 06-4079

Plaintiff,

ORDER OF DISMISSAL

-VS-

SHO-ME LIVESTOCK COOPERATIVE,
INC.,

Defendant.

On May 16, 2006, this Court granted Defendant's Motion to Compel Arbitration and stayed the above action pending arbitration. Plaintiff was to provide the Court with quarterly updates on the status of the case. On August 21, 2007, this Court entered an Order advising Plaintiff that no status reports had ever been received and, if the Court did not receive a report within fifteen days, the case would be dismissed. The clerk's office electronically mailed the Order to counsel for Plaintiff on August 21, 2007. As of today's date, Plaintiff has not submitted a status report. Under Federal Rule of Civil Procedure 41(b), this Court has the power to dismiss a case *sua sponte* for failure to prosecute. *See Sterling v. United States*, 985 F.2d 411, 412 (8th Cir. 1993). Given the circumstances of this case, it is appropriate that the Court now exercise that power. Thus,

IT IS ORDERED that this action is dismissed without prejudice.

Dated this 2nd day of October, 2007.

BY THE COURT:

[Signature: Lawrence L. Piersol]
Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: *[Signature: Shelly Margulies]*
(SEAL) DEPUTY